

APR 03 2007

REMARKS/ARGUMENTS**Double Patenting Rejection**

Claims 1-9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 and 9-11 of copending Application No. 10/983,263 (hereinafter "'263 Application").

This rejection is traversed on the grounds that the outstanding Office Action does not fulfill the requirements of the two-way test of obviousness as described in section 804 of the MPEP. In particular, when assessing obviousness for use in a nonstatutory double patenting rejection in a case where the patent is the later filed application, a two-way obviousness test must be applied when the applicant could not have filed the claims in a single application and there is administrative delay. (See MPEP, 804-B-1-(b).) It is submitted that this is such a case. Although it is acknowledged that the original claims of the instant application were broader and therefore obvious in view of the claims of the '263 Application, it is respectfully submitted that the outstanding Office Action does not articulate why the claims of the '263 Application are obvious in view of the claims of the instant application. Accordingly, it is believed that a double patenting rejection is not proper in this case.

Furthermore, it is pointed out that claims 1, 8, and 9 have been amended. It is respectfully submitted that claims 1-9 of the instant application, as amended, are patentably distinct from claims 1-6 and 9-11 of the '263 Application.

With respect to independent claim 1 of the instant application, claim 1 has been amended to specifically require: "an instruction unit with an operating unit, which is provided at said access point and gives instructions to start setting said encryption key by operating the operating unit." That is, amended claim 1 of the instant application requires that the instruction unit for starting to set the encryption key be provided *at the access point*.

In contrast, claim 1 of the '263 Application specifically recites that, "the instruction unit that has an operating unit for remote operation to said access point and gives instructions to start setting said encryption key at said access point by operating the operating unit." Thus, claim 1 of the '263 Application requires that the instruction unit for starting to set the encryption is provided remote from (i.e. not at) the access point. Therefore, claim 1 of the instant application is neither anticipated by nor obvious over claim 1 of the '263 Application.

Similarly, independent claims 8 and 9 have been amended to include additional limitations that further distinguish claims 8 and 9 from claims 10 and 11 of the '263 Application, respectively.

Specifically, the following limitations are added to claim 8 of the instant application: "operating an instruction unit that is provided *at the access point* to start setting said encryption key." In contrast, claim 10 of the '263 Application recites that, "*receiving* instructions to start registration processing from a device capable of *wireless remote operation* in relation to said access point."

The following limitations are added to claim 9 of the instant application: "an instruction unit with an operating unit, which is provided at said access point and gives instructions to start setting said authentication code by operating the operating unit." In contrast, claim 11 of the '263 Application recites that, "an instruction module that gives instructions to start the setting of said authentication code to said access point by operating an operating unit which is a device for which *wireless remote operation* is possible in relation to said access point."

With respect to claim 7 of the instant application, claim 7 recites that, "a communication range restriction module that restricts a radio communication range between said access point and said terminal to be narrower than a general communication range." This indicates that the communication range restriction module restricts the radio communication range itself.

In contrast, claim 9 of the '263 Application recites that, "a communication range restriction module that *receives wireless instructions from a device capable of wireless remote operation in relation to said access point* and restricts the wireless communication range with said terminal to be narrower than the normal communication range." This indicates that the communication range restriction module the communication range restriction module restricts the radio communication range based on remote wireless instructions.

Claim 7 of the instant application has also been amended to include the following limitation: "an instruction unit with an operating unit, which is provided at said access point and gives instructions to start setting said encryption key by operating the operating unit." This limitation further distinguishes claim 7 of the instant application from claim 9 of the '263 Application.

Therefore, claim 7 of the instant application is neither anticipated by nor would have been obvious over claim 9 of the '263 Application.

Dependent claims 2-6 depend on claim 1 and are therefore respectfully submitted to be patentably distinct from claims 2-6 of the '263 Application for at least the reasons set forth above with respect to the independent claim 1.

MES1P074/SDB/BJL

-6-

10/615,286

APR 03 2007

Claim Rejections under 35 U.S.C. § 103

Claims 1 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,148,205 granted to Cotton (hereinafter "Cotton") and further in view of U.S. Patent application 2004/0168081 granted to Ladas et al. (hereinafter "Ladas").

The instant application claims priority from Provisional Application 60/419,488, entitled "Wireless LAN System," filed on October 18, 2002. Therefore, the instant application has a U.S. priority date of October 18, 2002.

Ladas was filed on February 20, 2003.

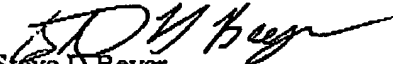
Therefore, the instant application antedates Ladas. Accordingly, it is respectfully submitted that Ladas cannot be used to reject the instant application.

CONCLUSION

Applicants respectfully submit that all pending claims are in proper form and are in condition for allowance, and request a Notification of Allowance to that effect. It is believed that no fee is due at this time. Should any fee be required for any reason related to this document, however, then the Commissioner is hereby authorized to charge said fee to Deposit Account No. 50-0388, referencing Docket No. MES1P074. The Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below with any questions or concerns relating to this document or application.

Respectfully submitted,

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MES1P074/SDB/BJL

-7-

10/615,286